

STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL

Re: Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 06-150; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229, *Second Further Notice of Proposed Rulemaking*, FCC 08-128

President Franklin D. Roosevelt once said, "It is common sense to take a method and try it. If it fails, admit it frankly and try another. But above all, try something." Today, all five of us are admitting that we tried something and failed at it. Now we're back to the drawing board and calling upon the public and interested parties for guidance on how to move forward and successfully auction the D Block.

To put today's *FNPRM* in context, let's review some recent history. Last summer's 700 MHz Order included a plan to spark the construction of a state-of-the-art, nationwide, interoperable network for America's public safety users through a public/private partnership. We allocated 10 megahertz of spectrum for public safety use, known as the "D Block," on top of the 24 megahertz Congress allocated to public safety in 1997. The Commission created this framework after working closely with the public safety community, and I supported it. Hopes were high that this additional spectrum would provide an incentive for a private entity to construct the nationwide, interoperable, broadband network all of us have been discussing since the attacks of 9-11.

Even though public safety already has at its disposal 97 megahertz of spectrum in total to serve America's approximately two million public safety users, roughly half of that spectrum lies fallow due to a lack of funds and coordination. The Commission allocated an additional 10 megahertz, above and beyond what Congress gave, to try to create an incentive for the private side of the public/private partnership to invest risk capital to build a nationwide public safety network suitable for 21st century challenges. In the absence of congressionally-appropriated funding for this network, the Commission concluded that this type of public/private partnership was the best way to jump-start funding and construction.

In the wake of the D Block's failure, I have met with a number of parties to analyze what went wrong. Apparently potential bidders were deterred by onerous build-out and service requirements that required the eventual licensee to incur massive costs in an atmosphere of extreme uncertainty regarding how many, if any, public safety entities might actually sign up as paying customers. Today's further notice offers an open-ended opportunity for all interested parties to tell us what we did wrong, what our new goals should be, and how we can accomplish those goals.

Even though the D Block auction was unsuccessful, I am fully committed to examining all options that may lead to the construction, and continued operations, of this vision. Yes, the comment periods we adopt today are fairly tight; however, it is important that we continue to

move forward and increase our momentum. We are well-positioned to build upon our already robust record. I am confident that we can and will proceed in a thorough and thoughtful manner.

What we don't want is the type of situation Samuel Beckett was referring to when he wrote, "Go on failing. Go on. Only next time, try to fail better." In contrast, Thomas Edison once said about failure, "I am not discouraged because every wrong attempt discarded is another step forward." Today we are taking that next step forward. Accordingly, I support this further notice.